

CONNECTICUT HAZARDOUS WASTE FACILITY SITING PROVISIONS

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Relevant Statutes and Regulations:

- G Connecticut General Statutes, Title 22a, Chapter 445, Hazardous Waste.
- G Connecticut General Statutes, Title 16, Chapter 277a, Public Utility Environmental Standards Act
- G Regulations of Connecticut State Agencies, Hazardous Waste Management Regulations, (CHWMR), 22a-449(c)-100 through 110 and 22a-449(c)-11. Revised July 17, 1990.
- G Rules of Practice, Section 16-50j, Article 2, Contested Cases.
- G <http://dep.state.ct.us/lawreg/lawhome.htm> contains laws and regulations

Other Relevant State Documents:

- G State of Connecticut, Department of Environmental Protection, Environmental Permitting Fact Sheet, *Hazardous Waste Treatment, Storage and Disposal Facilities*. Revised September 15, 1994.

Web Address for the State Environmental Agency:

- G <http://dep.state.ct.us/index.htm>
- G The home page has a contacts page; an agency representative can assist in determining the current siting requirements.

Connecticut Hazardous Waste Facility Siting Provisions

Affected Facilities:

- G** New hazardous waste facilities [22a-117(a)&(b)], with the following exceptions:
- any facility whose primary business is not disposal, treatment or recovery of hazardous waste but which treats or recovers hazardous waste on site as an integral part of an industrial process as determined by the commissioner of environmental protection;
 - any facility used only for short-term storage of hazardous waste; and
 - any facility requiring a permit which the council determines does not pose a significant threat to public safety, human health or the environment.

Definitions of Facility Types:

- G** “hazardous waste facility” means land and appurtenances thereon or structures used for the disposal, treatment, storage or recovery of hazardous waste. [22a-115(2); 16-50j-1(h)].

Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADMINISTRATION			
STATE ADMINISTERING AGENCY			
Connecticut Department of Environmental Protection (the Department)	PPA PA PDP	<i>[22a-2(a)]</i>	There is established a department of environmental protection which shall have jurisdiction over all matters relating to the preservation and protection of the air, water and other natural resources of the state. The department is under the direction of a commissioner of environmental protection.
Commissioner of environmental protection - duties	PPA PA PDP	<i>[22a-6(a)]</i> <i>[22a-118 & 22a-127(a)]</i>	The commissioner has the following duties, related to siting: <ul style="list-style-type: none"> • adopts, amends or repeals regulations as are necessary and proper to carry out his function, • the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, • requires and issues permits under his jurisdiction, • provides notice of any proceeding involving a specific site, if a decision by the commissioner concerning the site is contested, • conducts hearings requested by aggrieved parties, • makes available to the siting council the record of proceedings on the application, permits, or approvals, and • immediately notifies the site review council and chief elected official in the town where the facility is to be located, of receipt of an application for such a license, permit, or approval.
Commissioner of environmental protection - final decision	PA	<i>[22a-118(d)]</i>	The commissioner does not render a final decision approving any environmental licenses, permits, or approvals necessary for a hazardous waste facility until the council issues a certificate of public safety and necessity unless such decision is required by federal law. The commissioner shall publish in the Connecticut Law Journal, a notice of intent to issue such licenses, permits, or approvals.

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Topic	Stage ¹	State citation ²	Provision
The Department -- comment on application for certificate	PA	<i>[22a-119(e)]</i>	The Connecticut Department of Environmental Protection provides written comment to the siting council on any proposed hazardous waste facility. Written comment is solicited prior to any hearing. Copies of comments shall be available to all parties prior to public hearings. The Department may file additional comments within 30 days of the conclusion of the hearing; additional comments are part of the public record.
APPLICANT			
Applicant -- responsibilities	PA	<i>[22a-118(c)]</i>	The applicant applies to the commissioner for all licenses, permits or approvals which are within his jurisdiction and the commissioner holds a public hearing on such an application.
THE INTERAGENCY COORDINATING COUNCIL			
No provisions found.			

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Topic	Stage ¹	State citation ²	Provision
INDEPENDENT SITING BOARD			
Connecticut siting council (council) -- composition	PPA PA	[16-50j(a)&(c)]	<p>The Connecticut Siting Council exists within the State department of public utility control. The council has a distinct composition for the purposes of hazardous waste facility siting, separate from its normal composition. The council consists of:</p> <ul style="list-style-type: none"> the commissioners of public health and addiction services or their representatives; the designees of the speaker of the house of representatives and the president pro tempore of the senate; five members of the public, to be appointed by the governor, at least two of whom are experienced in the field of ecology, and not more than one of whom has affiliation with any utility or governmental utility regulatory agency, or with any person owning, operating, controlling, or presently contracting with respect to a facility; four ad hoc members, appointed by the chief elected official of the municipality represented; three of whom shall be electors from the municipality in which the proposed facility is to be located and one of whom shall be an elector from a neighboring municipality likely to be most affected by the proposed facility. <p>If any one of the five members of the public or of the designees of the speaker of the house of representatives or the president pro tempore of the senate resides in the municipality in which a hazardous waste facility is proposed or in the neighboring municipality likely to be most affected by the proposed facility, the appointing authority shall appoint a substitute member for the proceedings.</p>
Council chairman -- responsibilities	PPA PA	[16-50j(e)]	<p>The chairman of the council is appointed by the governor from among the five public members appointed by him, with the advice and consent of the house or senate.</p>
Council chairman -- responsibilities	PPA PA	[16-50j(g)]	<p>The chairman of the council may appoint an executive director, who shall be the chief administrative officer of the council.</p>

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Topic	Stage ¹	State citation ²	Provision
Council -- exclusive jurisdiction	PPA PA	<i>[16-50x(a)]</i> <i>[22a-124]</i>	<p>The council has exclusive jurisdiction over the siting of facilities subject to the provisions of Chapter 445 (Hazardous Waste). In ruling on applications for certificates, the council shall give consideration to other state laws and municipal ordinances and regulation as it deems appropriate.</p> <p>Whenever the council issues a certificate of public safety and necessity, it shall satisfy and be in lieu of all other certificates, licenses, permits or approvals, or other requirements of state or municipal agencies.</p> <p>A proposed facility may be regulated and restricted by any town, city or borough and by any municipality. Permits required by such agencies shall be applied for at the same time as the application for certification with the council. Decisions made by local governing bodies must be made within 130 days of application and may be appealed to the council. The council has exclusive jurisdiction in the course of any proceeding.</p>
Council -- responsibilities for siting regulations	PPA PA	<i>[16-50j(g)]</i> <i>[22a-116(c)]</i>	The permanent members of the Connecticut Siting Council adopt regulations for the siting, development, and management of hazardous waste facilities.
Council -- responsibilities for certificate of public safety and necessity	PA	<i>[22a-117(a) & (b)]</i>	No person may commence construction of a hazardous waste facility without a certificate of public safety and necessity (certificate) issued by the council.
Council -- requirements for licenses, permits or approvals	PA	<i>[22a-118(c)]</i> <i>[22a-127(a)]</i>	<p>The council shall not accept any application for a certificate for a hazardous waste facility until the applicant has applied to the commissioner for all licenses, permits, or approvals which are within his jurisdiction and the commissioner has closed the associated public hearing. The commissioner makes available to the council, the record of proceedings on the application for environmental licenses, permits, or approvals.</p> <p>Once the commissioner notifies the council where a proposed facility is to be located, the council shall send to the chief elected official, a copy of the provisions of the general statutes for the establishment of a local project review committee along with a copy of the notification sent by the commissioner.</p>

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Topic	Stage ¹	State citation ²	Provision
Council -- notification of an application for a certificate	PA	<i>[22a-119(a)]</i>	<p>Upon receipt by the council of an application for a certificate the council immediately notifies the governor and the chief elected official of the municipality in which the proposed facility is to be located.</p> <p>Within 30 days after the application filing, the ad hoc members of the council shall be appointed. If the chief elected official does not appoint the members within 30 days, the council shall appoint them within 10 days thereafter.</p>
Council -- responsibilities for disbursing funds	PA	<i>[22a-127(b)]</i>	The council disburses to the local project review committee, funds received from the applicant for the use of obtaining technical and professional assistance for the committee's review of the proposed facility.
Council -- notice of hearing on application for certification	PA	<i>[22a-119(b)]</i>	<p>Council gives notice of the hearing on the application for a certificate by mailing a notice of the date, time, and location to the applicant and each person entitled under § 22a-118(e) to receive a copy of the application.</p> <p>The council shall also cause a notice of the date and location of the hearing to be published in a newspaper of general circulation in each municipality in which the proposed facility is to be located at least 20 days prior to the hearing.</p>
Council -- consultation with various State agencies	PA	<i>[16-50j(h)]</i> <i>[22a-119(e)]</i>	<p>Prior to commencing any hearing on an application for a certificate, the council shall consult with and solicit written comments from the departments of environmental protection, public health and addiction services, public utility control, economic development, public safety and transportation, the office of policy and management, and the council on environmental quality.</p> <p>Copies of comments submitted by the aforementioned agencies shall be available to all parties prior to commencement of the public hearing. Agencies consulted may file additional comments within 30 days of the conclusion of the hearing and such additional comments shall be a part of the record.</p>
Council -- public hearing on an application for certification	PA	<i>[16-50m]</i> <i>[22a-119]</i>	The council holds a public hearing not more than 180 days after receipt of an application for a certificate.

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Topic	Stage ¹	State citation ²	Provision
Council -- time period for decision	PA	<i>[22a-119(f)]</i>	The council shall render its decision within 12 months of receipt of the application for a certificate with the exception that the limit may be extended 180 days by agreement of the council and applicant. If the council fails to make a decision within this period, the applicant may apply to the state superior court for an order requiring the council to immediately make a decision.
Council -- criteria for an application for a certificate	PA	<i>[22a-122(a)]</i> <i>[22a-122(b)]</i>	<p>The council shall render a decision upon the record by an affirmative vote of not less than seven council members. With its decision, the council shall file an opinion stating in full the reasons for its decision. In making its decision, the council shall consider:</p> <ul style="list-style-type: none"> • the impact of a proposed facility on the municipality and affected geographic area in which it is to be located in terms of public health, safety and welfare including but not limited to: <ul style="list-style-type: none"> • the risk and impact of an accident during transportation of hazardous waste, • the risk and impact of fires or explosions from improper storage or disposal methods, • the consistency of the proposed facility with local and regional land use plans and regulations and the state conservation and development plan in effect at the time of application, • the protection of public adverse impacts including adverse economic impacts during construction and operation of facility, and • the risk and impact on public and private drinking water supplies. • the population density in the area of the proposed facility and its proximity to residential areas; • data available under the Superfund Amendments and Reauthorization Act of 1986 concerning permitted and illegal discharges; • the proximity of the proposed facility to schools; • the availability of other sites; • other criteria consistent with the goal of insuring the maximum safety of the public from potential dangers associated with siting, and the development and management of the construction of hazardous waste facilities,

Continued...

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Council -- criteria for an application for a certificate (continued)	PA	<i>[22a-122(c)]</i>	<ul style="list-style-type: none"> • a public need and the basis of such need for the facility; • the nature of the probable health and environmental impact of the facility; • an explanation of why no other disposal method is more appropriate in the case of a land disposal facility; • every significant single and cumulative adverse effect on and conflict with state policies on the natural environment; the ecological balance; the public health and safety; scenic, historic and recreational values; forests and parks; and air and water purity; and • why such adverse effects are not sufficient for denial of certification.
Council -- procedures for final decision	PA	<i>[22a-122(e)]</i> <i>[22a-122(f)]</i> <i>[22a-122(g)]</i>	<p>The council shall serve upon each party a copy of the opinion, decision, and order. The council will also publish notice, in a newspaper, of the opinion and order. The name and address of each party will be set forth in the decision.</p> <p>In making its decision, the council shall not be limited by the fact that the applicant may have already acquired land or any necessary permits, certificates, or orders for the purpose of constructing the facility.</p> <p>Any person aggrieved by a decision of the council or any party may appeal.</p>
Council -- responsibilities for negotiations	PA	<i>[22a-128(d)]</i>	The applicant and the local project review committee file a report with the council before the conclusion of the council's public hearing stating the items of negotiation and points of agreement and disagreement. The council may meet with the applicant and committee to discuss the negotiations and the report. The council is the sole arbitrator in disputes arising from the negotiations. The council's decision shall state the negotiated items it has accepted and those rejected, and the reasons for such decisions.

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Council -- responsibilities in contested cases	PA	16-50j-13	In issuing the notice of a hearing in contested cases for a hazardous waste facility, the council will name as parties those persons enumerated in and qualifying under § 22a-120(a) of the General Statutes of Connecticut. Any person named as a party may decline such status upon notifying the council of their intent not to participate.
		16-50j-14(a)	Any other person who proposes to be named or admitted as a party to any proceeding may file a written petition to be so designated before the date of the hearing of the proceeding as a contested case, at the hearing, or before a ruling is made on a petition for a declaratory ruling.
		16-50j-14(c)	The council shall consider all petitions and will name or admit as a party, any person who is required by law to be a party and any other person whose legal rights, duties, or privileges will be determined by the council's proceeding.
		16-50j-15a	At any time prior to the commencement of oral testimony in any proceeding, any person may ask the council for permission to participate as an intervener. The council will determine the intervener's participation in the proceeding.
		16-50j-16(a)	The council may add parties at any time during the pendency of any proceeding upon its finding that the legal rights, duties, or privileges of any person will be determined by the council's decision or that the participation of a person is necessary to the proper disposition of the case.
		16-50j-16(b)	The council gives written notice to all parties in the event that it names or admits any party after service of the initial notice of hearing in a proceeding.

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APPLICANT			
Applicant -- responsibility for application for a certificate of public safety & necessity	PA	<i>[22a-118(a)]</i>	<p>The applicant files an application for a certificate of public safety and necessity (certificate) with the council, before the applicant can commence construction of a hazardous waste facility. The application contains such information as the council deems relevant to siting, including but not limited to the following:</p> <ul style="list-style-type: none"> • reasons for choosing the site and the proposed type of hazardous waste facility selected, and a comparison of alternative sites and technologies; • a schedule of dates setting forth the proposed program of acquisition, construction, completion and operation; • environmental site information obtained from the department of environmental protection review; • human population density information for the areas of the proposed facility; • traffic information including road and transportation access data and maps; • information on present and future development of the town where the facility is proposed to be located and for the surrounding towns; • a listing of Federal, State, regional, and municipal agencies from which approvals have been received; and • incentives offered and benefits accruing to the municipality in which the proposed facility is to be located.

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Applicant -- notices of application	PA	<i>[22a-118(e)]</i>	<p>The applicant provides copies of the application for a certificate for a hazardous waste disposal facility to a variety of agencies. The applicant must provide to the council, proof that the copies were delivered. Copies are to be provided to the following:</p> <ul style="list-style-type: none"> • chief elected official and director of health of each municipality in which the proposed facility is to be located; • fire marshal; • chairpersons of the conservation commission; • inland wetlands agency; • planning commission; • police commission and zoning commission of each affected municipality; • chairperson of regional planning agency; • each water company which owns or operates land or facilities located in, or serves any customer who resides in, the affected municipality or an area within a five mile radius of the boundaries of the proposed site; • each member of the legislature in whose district the proposed facility is to be located; • each owner of land adjacent to the proposed facility; and • each state department, council and commission named in § 22a-119(e).
Applicant -- fee for local project review council	PA	<i>[22a-127(b)]</i>	<p>Upon filing an application for a certificate with the council, the applicant deposits with the council a sum determined by the council, not exceeding \$50,000, to be disbursed to the local project review committee for the sole use of obtaining technical and professional assistance for a review of the proposed facility. The assistance may include environmental, scientific, economic, financial and legal assistance.</p>
Applicant -- report on negotiations	PA	<i>[22a-128(d)]</i>	<p>The applicant files a report with the council before the conclusion of the council's public hearing stating the items of negotiation and points of agreement and disagreement. The council may meet with the applicant and committee to discuss the negotiations and the report.</p>
Applicant -- application withdrawal	PA	<i>[22a-122(c)]</i>	<p>Any applicant who withdraws an application submitted under RCRA, Chapter 445 (Hazardous Waste) or the regulation adopted pursuant to subsection (c) of section 22a-449 may not reapply for a certificate for two years from the date of withdrawal or denial.</p>

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LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
Local regulations and restrictions	PA	<i>[16-50x(a)]</i> <i>[22a-124]</i>	A proposed facility may be regulated and restricted by any town, city or borough and by any municipality. Permits required by such agencies shall be applied for at the same time as the application for certification with the council. Decisions made by local governing bodies must be made within 130 days of application and may be appealed to the council. The council has exclusive jurisdiction in the course of any proceeding.
Project review committee	PA	<i>[22a-127]</i>	In each municipality where a hazardous waste facility is proposed to be located, there may be established a local project review committee (local committee) consisting of not less than four and not more than nine members, all but one elected from the municipality where the facility is proposed to be located. The remaining member shall be elected from the municipality likely to be most affected by the proposed facility.
Project review committee -- composition	PA	<i>[22a-127(a)]</i>	The commissioner notifies the chief elected official of the municipality in which the facility is proposed to be located, upon receipt of an application for licenses, permits or approvals necessary to establish a hazardous waste facility. The chief elected official receives a copy of the provisions of the general statutes for the establishment of a local project review committee. Once so notified, the chief elected official may appoint members to the local committee. All members shall be appointed by the chief elected official of the municipality that they represent.
Project review committee -- negotiations	PA	<i>[22a-128(c)]</i>	The local project review committee negotiates directly with the applicant concerning incentives for development including (1) payment to abutting landowners for diminution of property values, (2) purchase of a green belt buffer around the facility for safety and aesthetics, (3) development of open space and recreational facilities for the town, (4) payment for fire equipment which might be needed because of the facility, (5) payment of road repair costs resulting from increased use of local roads, (6) access routes to the facility, or (7) direct financial payment. Negotiations shall be completed within 60 days.
Project review committee -- report on negotiations	PA	<i>[22a-128(d)]</i>	The local committee files a report with the council before the conclusion of the council's public hearing stating the items of negotiation and points of agreement and disagreement.

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Applicant -- notice of application	PA	<i>[22a-118(e)]</i>	The applicant provides copies of the application for a certificate for a hazardous waste disposal facility to local entities including the chief elected official, the director of health, the fire marshal, the water company owning land or operating in the municipality, and the owners of land adjacent to the proposed facility.
OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
Applicant -- notice of application	PA	<i>[22a-118(e)]</i>	<p>The applicant provides copies of the application for a certificate for a hazardous waste disposal facility to:</p> <ul style="list-style-type: none"> the chairpersons of the conservation commission, inland wetlands agency, planning commission, police commission and zoning commission of each municipality in which the proposed facility is to be located; the chairperson of the regional planning agency for the region in which the proposed facility is to be located; each member of the legislature in whose district the proposed facility is to be located, and the departments of environmental protection, public health and addiction services, public utility control, economic development, public safety and transportation, the office of policy and management and the council on environmental quality.
Department of public health & addiction services	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State department of public health and addiction services.
Department of public utility control	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State department of public utility control.
Department of economic development	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State department of economic development.
Department of public safety and transportation	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State department of public safety and transportation.

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Office of policy and management	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State office of policy and management.
Council on environmental quality	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the State council on environmental quality.
COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
Consideration of permitting provisions of the State Agency and local provisions		<i>[22a-118(c)]</i> <i>[22a-119(e)]</i> <i>[22a-124(b)]</i>	The Council shall include Department of Environmental Protection's permitting, consult with State Agencies, and include local permitting provisions.
IMPACT OF FACILITY ON LOCAL LAND USE			
Considerations for local and regional land use	PA	<i>[22a-122(b)]</i>	In making a decision on a proposed facility, the council must consider the facility's impact on the municipality and affected geographic area in which it is to be located in terms of public health, safety and welfare, including the consistency of the proposed facility with local and regional land use plans and regulations, and the State conservation and development plan in effect at the time of application.

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PUBLIC PARTICIPATION			
The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking. (State regulations cannot be less stringent than the federal counterparts.)			
NOTIFICATION			
Notice of application for a hazardous waste facility certificate	PA	<i>[22a-118(e)]</i>	Notice of the application shall be given to the general public by publication, in 10-point boldface type, of a summary of an application for a certificate and the date on which it will be filed in a newspaper of general circulation in each affected municipality.
Notice of hearing on an application for a certificate	PA	<i>[22a-119(b)]</i>	<p>The council gives notice of the commencement of the hearing by mailing a notice of the date, time, and location of the hearing to the applicant and each person entitled under §22a-118(e) to receive a copy of the application.</p> <p>The council shall also cause a notice of the date and location of the hearing to be published in a newspaper of general circulation in each municipality in which the proposed facility is to be located at least 20 days prior to the hearing.</p>
Notice of opinion, decision, and order	PA	<i>[22a-119(e) & 22a-122(e)]</i>	The council publishes in newspapers, a notice of the issuance of the opinion, decision, and order to either grant or deny the application as filed, or granting it upon certain terms, limitations, or conditions.
Notice of hearing of contested cases	PA	16-50j-13	<p>The council issues a notice of a hearing in contested cases, naming the parties qualified to be involved in the hearing.</p> <p>The council gives written notice to all parties in the event that it names or admits any party after service of the initial notice of hearing in a proceeding.</p>
Notice of intent to issue license, permit, or approval	PA	<i>[22a-118(d)]</i>	The commissioner shall not render a final decision approving any environmental licenses, permits, or approvals necessary for a hazardous waste facility until the council issues a certificate of public safety and necessity, unless such decision is required by federal law. The commissioner shall publish in the Connecticut Law Journal, a notice of intent to issue such licenses, permits, or approvals.

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PUBLIC MEETING			
Public meeting to announce date & location of public hearing	PA	<i>[22a-119(a)]</i>	Within 60 days after receipt of the application for a certificate, the council shall hold a meeting at which a date and location for the commencement of a public hearing on the application shall be established. The public hearing shall not begin more than 180 days after receipt of an application.
PUBLIC HEARINGS			
Public hearing for license, permit, or approval applications	PA	<i>[22a-118 & 22a-127(a)]</i>	The commissioner holds a public hearing on all applications received for licenses, permits or approvals which are within his jurisdiction. The commissioner makes available to the council, the record of proceedings on the application, permits, or approvals.

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Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Public hearing on application for certification	PA	<i>[16-50m]</i> <i>[22a-119]</i> <i>[22a-119(a)]</i> <i>[22a-119(c)]</i> <i>[22a-119(d)]</i> <i>[22a-120(a)]</i> <i>[22a-120(b)]</i> <i>[22a-120(c)]</i>	<p>The council holds a public hearing not more than 180 days after receipt of an application for a certificate.</p> <p>One session of the public hearing shall be held after 6:30 p.m. for the convenience of the general public. It shall be held at a location selected by the council, in the municipality in which the proposed facility is to be located.</p> <p>Hearings shall be held before a majority of the members of the council.</p> <p>The council shall take notice of facts in a manner provided by § 4-178 during any hearing.</p> <p>The parties to the certification hearing shall include the applicant, each person entitled to receive a copy of the application, and other persons as the council deems appropriate.</p> <p>Any person may make a limited appearance at a hearing held pursuant to § 22a-119 prior thereto or within 30 days thereafter, entitling such person to file a statement in writing or to make a brief oral statement at a hearing. No person making a limited appearance has the right to cross-examine witnesses or parties or be subject to cross-examination.</p> <p>At its discretion, the council may provide for the grouping of parties with the same interests.</p> <p>However, any party included in a group may at any time, elect to be out of the group.</p>
Public hearing on application for certification (Continued)		<i>[22a-120(d)]</i>	<p>The assistant attorney general or the special assistant attorney general appointed pursuant to subsection (c) of § 16-50n shall have supervision of legal matters concerning the council.</p> <p>In addition, Connecticut incorporates 40 CFR 124.12 by reference.</p>

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Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Record of hearing; rights of parties	PA	<i>[22a-121(a)]</i>	A record of the hearing, of all testimony taken, and of cross-examination shall be made. Every party or group of parties has the right to present oral or documentary evidence and to conduct cross-examination as may be required for full and true disclosure of facts.
		<i>[22a-121(b)]</i>	A copy of the record shall be available at all reasonable times for examination by the public, without cost, at the principle office of the council. A copy of the transcript shall be filed in the office of the town clerk in each municipality in which the proposed facility is to be located. Any person may obtain a copy upon payment of a fee.

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Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADJUDICATORY HEARINGS			
Contested cases	PA	<i>[22a-122g]</i> 16-50j-18 16-50j-19 16-50j-16(a) 16-50j-16(b)	<p>In the event of a contested hazardous waste facility application, a hearing will be held, where required by law, on all applications submitted pursuant to §§ 22a-119 through 22a-122.</p> <p>A docket of all proceedings of the council shall be maintained, as well as a hearing calendar of all proceedings that are to receive a hearing.</p> <p>The council may add parties at any time during the pendency of any proceeding upon its finding that the legal rights, duties, or privileges of any person will be determined by the council's decision or that the participation of a person is necessary to the proper disposition of the case.</p> <p>In the event that the council names or admits any party after service of the initial notice of hearing in a proceeding, the council gives written notice thereof to all parties or groups of parties named or admitted. The form of the notice shall be a copy of the order of the council naming or admitting such added party and a copy on any petition filed by such added party requesting designation as a party.</p> <p>The procedures to be followed for contested case hearings are outlined in Connecticut's regulations at § 16-50j-25 through 16-50j-34.</p>
Application to be a designated party	PA	16-50j-14	Any other person who proposes to be named or admitted as a party to any proceeding may file a written petition to be so designated before the date of the hearing of the proceeding as a contested case, at the hearing, or before a ruling is made on a petition for a declaratory ruling.
Participation as an intervener	PA	16-50j-15a	At any time prior to the commencement of oral testimony in any proceeding, any person may ask the council for permission to participate as an intervener. The council will determine the intervener's participation in the proceeding.
OTHER			
Appeals	PA	<i>[22a-122(g)]</i>	Any person aggrieved by a decision of the council or any party may appeal.

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Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
SOIL AND WATER			
Considerations for public and private drinking water supplies	PA	<i>[22a-122(b)]</i>	In making a decision on a proposed facility, the council must consider the facility’s impact on the municipality and affected geographic area in which it is to be located in terms of public health, safety and welfare, including the risk and impact on public and private drinking water supplies.
Considerations for water purity	PA	<i>[22a-122(c)]</i>	The council shall not grant a certificate for a hazardous waste facility unless it finds and determines every significant single and cumulative adverse effect on and conflict with State policies on water purity. It must also find why such adverse effects are not sufficient for denial of certification.
SEISMIC CONSIDERATIONS			
Placement near fault restricted	PA	CHWMR 22a-449 (c)-104(a)(1)	Connecticut incorporates 40 CFR 264.18(a)(1) by reference, which restricts the placement of new hazardous waste facilities near faults.
FLOODING AND EROSION			
Provisions for facilities located in 100-year floodplains	PA	CHWMR 22a-449 (c)-104(a)(1)	Connecticut incorporates 40 CFR 264.18(b) by reference which requires facilities located in a 100-year floodplain to be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the facility owner/operator can demonstrate that certain procedures are in effect that will prevent washout or that no adverse effects will result if washout occurs.

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Topic	Stage ¹	State citation ²	Provision
AIR			
Considerations for air purity	PA	<i>[22a-122(c)]</i>	The council shall not grant a certificate for a hazardous waste facility unless it finds and determines every significant single and cumulative adverse effect on and conflict with State policies on air purity. It must also find why such adverse effects are not sufficient for denial of certification.
DISTANCE LIMITATIONS/BUFFER ZONES			
Regulations establishing distance limitations	PA	<i>[22a-122(b)]</i>	The permanent members of the council shall adopt regulations establishing minimum distances between the active parts of the facility and other land uses.
Minimum distance requirements	PA	<i>[22a-122-1]</i>	<p>Unless the applicant makes an approved alternative demonstration , the minimum distance between active parts of the following specified types of facilities and other land uses shall not be less than the following:</p> <ul style="list-style-type: none"> • For land based facilities, including landfills, surface impoundments, land treatment facilities, injection wells, and waste piles, the minimum distance shall be 400 feet from all other land uses; • For non-land based facilities, including incinerators, thermal, physical, chemical, and biological treatment facilities, recovery facilities, and storage facilities, the minimum distance shall be 150 feet from all other land uses.
Placement near fault restricted	PA	CHWMR 22a-449 (c)-104(a)(1)	Connecticut incorporates 40 CFR 264.18(a)(1) by reference which requires that new hazardous waste facilities must not be located within 61 meters of a fault with displacement in Holocene time.

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Topic	Stage ¹	State citation ²	Provision
OTHER HUMAN HEALTH CONSIDERATIONS			
Impact on public health, safety, and welfare	PA	<p><i>[22a-122(b)]</i></p> <p><i>[22a-122(c)]</i></p>	<p>In making a decision on a proposed facility, the council must consider:</p> <ul style="list-style-type: none"> • The facility's impact on the municipality and affected geographic area in which it is to be located in terms of public health, safety, and welfare including the risk and impact of an accident during transportation of hazardous waste; • The population density in the area of the proposed facility and its proximity to residential areas; • The proximity of the proposed facility to schools; and • Other criteria consistent with the goal of insuring the maximum safety of the public from potential dangers associated with the siting, development and management of construction of hazardous waste facilities. <p>Additionally, the council shall not grant a certificate unless it finds and determines:</p> <ul style="list-style-type: none"> • The nature of the probable health and environmental impact of the facility; • Every significant single and cumulative adverse effect on and conflict with State policies on public health and safety; and • Why such adverse effects are not sufficient for denial of certification.
ENVIRONMENTALLY SENSITIVE AREAS			
Considerations for the natural environment and ecological balance	PA	<i>[22a-122(c)]</i>	The council shall not grant a certificate unless it finds and determines every significant single and cumulative adverse effect on and conflict with State policies on the natural environment and the ecological balance, and why such adverse effects are not sufficient for denial of certification.

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Connecticut Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Endangered Species, Critical Habitats, Wetlands, and Wild, Scenic or Recreational Areas			
Considerations for decision	PA	<i>[22a-116-B-7(b)(1)(A0(viii))]</i>	The council shall consider the following in making a decision to grant or deny a certificate: The protection of the public and environment from the risk and impact by the proposed facility on scenic, historic, and recreational areas; wetlands; floodplains; wildlife areas; habitat for endangered species; and other environmentally sensitive areas. Also, see “Other” below.
Wild, Scenic or Recreational Areas			
Considerations for scenic, historic and recreational values	PA	<i>[22a-122(c)]</i>	The council shall not grant a certificate unless it finds and determines every significant single and cumulative adverse effect on and conflict with State policies on scenic, historic and recreational values, and why such adverse effects are not sufficient for denial of certification.
Approved Farmland Preservation Areas			
none specifically for topic, see “Other” below			
Other			
General consultation and local permit consideration		<i>[22a-119(e)]</i> <i>[22a-124(b)]</i>	The Council is required to consult with other State Agencies and to consider local permits.
OTHER RESTRICTIONS			
Considerations for fires or explosions	PA	<i>[22a-122(b)]</i>	In making a decision on an application for a certificate, the council shall consider the risk and impact of fires or explosions from improper storage or disposal methods.
Salt dome or salt bed formations, underground mines, and caves	PA	CHWMR 22a-449 (c)-104	Connecticut incorporates by reference the Federal provisions at 40 CFR 264.18(c) which prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave.

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ENVIRONMENTAL JUSTICE CONSIDERATIONS			
Applicant is encouraged to communicate with local residents	PPA	Environmental Permitting Fact Sheet-- The Environmental Equity Movement	<p>In December 1993 the Department of Environmental Protection (DEQ) issued an Environmental Equity policy which maintains that the DEQ will encourage community participation in it's ongoing operations and program development, including but not limited to, inclusion on the agency's advisory boards and commissions, regulatory review panels, and planning and permitting activities.</p> <p>The DEQ encourages communication between the applicant and local residents regarding any proposed activity before a permit is applied for. The DEQ feels that abutting property owners and neighborhood residents need to understand the potential impact on the proposed activities. The DEQ suggests the applicant announce intended activities through press releases to local media since "people of color" may not be members of national environmental groups and may need to be reached through other means. Also recommended is direct communication with local community representatives and groups. The DEQ maintains a list of alternative media that serves people of color in Connecticut.</p>

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Topic	Stage ¹	State citation ²	Provision
ECONOMIC CRITERIA			
Considerations for adverse economic impacts	PA	<i>[22a-122(b)]</i>	In making a decision on an application for a certificate, the council shall consider the protection of the public from adverse impacts including but not limited to adverse economic impacts of the facility during its construction and operation and after its operation life.
Department of economic development	PA	<i>[22a-119(e)]</i>	Prior to commencing a hearing on a proposed hazardous waste facility, the council shall consult with and solicit written comments from the department of economic development.
OTHER CRITERIA			
No provisions found.			

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